

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:24-CV-00886-KDB-SCR**

**FRONT ROW MOTORSPORTS,  
INC. AND 2311 RACING LLC ,**

**Plaintiffs,**

**v.**

**NASCAR HOLDINGS, LLC;  
JAMES FRANCE; NASCAR  
EVENT MANAGEMENT, LLC;  
NATIONAL ASSOCIATION FOR  
STOCK CAR AUTO RACING,  
LLC,**

**Defendants.**

**ORDER**

**THIS MATTER** is before the Court on Defendant and Counter-Plaintiff NASCAR Event Management, LLC's ("NASCAR") Motion for Leave to Amend Counterclaim (Doc. No. 123). On March 5, 2025, NASCAR filed its Answer and Counterclaim in this action. After the deadline set by the Court for amending the pleadings, NASCAR seeks to amend its Counterclaims to add factual allegations in support of its sole (unchanged) claim that the Counter-Defendants violated Section 1 of the Sherman Act, 15 U.S.C. § 1 (based it says on documents received after the deadline). Counter-Defendants oppose the motion, primarily on the ground that the amendment is futile because it fails to cure the deficiencies which are the basis of their Motions to Dismiss Counterclaims, Doc. Nos. 115-116.

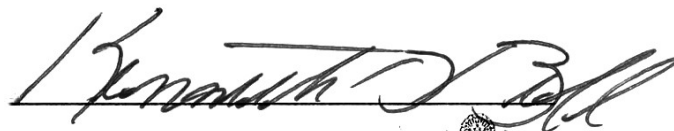
Without in any way reaching the merits of the Counter-Defendants' "futility" argument, which is effectively raised within their Motion to Dismiss, the Court will, consistent with the

principle that claims may be freely amended, exercise its inherent authority to efficiently manage this action by **ORDERING** the following:

- 1) NASCAR's motion is granted and it is given leave to file its proposed Amended Counterclaims (and should do so on May 8, 2025) and
- 2) Both sides are directed to file on or before May 22, 2025, supplemental briefs making any further argument in support of their respective positions on the Motions to Dismiss in light of the Amended Counterclaims. (The Motions to Dismiss will be considered to be applicable to the operative Amended Counterclaims without the need for further filing or amendment). Also, the Court directs the Parties to address in their supplemental filing whether, in light of NASCAR's allegations and requested relief involving the 2025 Charters, the other chartered race teams not currently involved in this action are required parties pursuant to Rule 19 of the Federal Rules of Civil Procedure. The briefs shall be limited to no more than 15 pages in length. No other reply or response briefs are permitted, as it is clear that the Parties well understand each other's positions based on the earlier briefing. However, the Court will schedule oral argument on the Motions to Dismiss if it believes it is necessary to do so.

**SO ORDERED ADJUDGED AND DECREED.**

Signed: May 8, 2025



Kenneth D. Bell  
United States District Judge

